

330 CMR 4.00: CATTLE

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4.01: Definitions

Unless the context requires otherwise, terms not defined below or at M.G.L. c. 129 take the applicable USDA definition in 9 CFR Sections 71.1 and 78.1.

Comparative Cervical Test: The intradermal injection of biologically balanced bovine Purified Protein Derivative (PPD) tuberculin and avian PPD tuberculin at separate sites in the cervical area and a determination as to the probable presence of bovine tuberculosis (*M. bovis*) by comparing the responses of the two tuberculins between 66 and 78 hours after injection. This test is only applied to those cattle which show a response to the caudal-fold test, which is the intradermal injection of 0.1 mL of USDA Bovine PPD tuberculin into either side of the caudal fold, with reading by visual observation and palpation between 66 and 78 hours after injection.

Department: The Commonwealth of Massachusetts Department of Food and Agriculture.

Director: Either the Director of the Department's Division of Regulatory Services, or the Chief of the Department's Bureau of Animal Health.

Immediate Slaughter: Movement directly to a recognized slaughtering center, with slaughter occurring within 72 hours. For compelling public policy reasons or other extraordinary circumstances, and solely at the Director's discretion and in writing, the Director may approve a longer waiting period.

Official ID: A unique set of numbers, letters and/or symbols that is securely affixed to a bovine animal by ear tag, tattoo, brand, or microchip, or other method approved in writing by the Director, that will positively identify that bovine animal.

Recognized Slaughtering Center: Any point where slaughtering facilities are provided and to which animals are regularly shipped and slaughtered.

USDA: The United States Department of Agriculture.

Valid Health Certificate: An official certificate of veterinary inspection for an individual animal written and signed by a federally-accredited veterinarian in the State of origin no longer than 30 days prior which contains the following:

- (a) the age, sex, breed, marking and Official ID of the animal;
- (b) the names and addresses of the original owner and/or place of origin, the current owner, the shipper, and the receiver of the animal;
- (c) the tuberculosis and brucellosis status of the herd(s) and premises in the other state(s) where it was held, if the animal has been held on premises in a state other than the state of origin;
- (d) proof of a negative tuberculosis test within the past year, unless the animal has come directly from a herd or state that is accredited-free from tuberculosis by USDA;
- (e) proof of a negative brucellosis test within the past year, unless the animal has come directly from a state that is certified free from brucellosis by USDA; and
- (f) a statement that the animal is free from any evidence of infectious and contagious disease and has not recently been exposed to any infectious, contagious or parasitic disease.

4.02: General

USDA agents, when authorized by the Department, may inspect all cattle and any premises where cattle are kept within Massachusetts for compliance with 330 CMR 4.00.

4.03: Dealing and Transportation of Cattle

(1) License Required: No person may engage in the business of dealing in cattle in Massachusetts without a valid livestock dealer license issued by the Department, and no such person may transport cattle in any vehicle lacking a valid dealer license plate on the driver's side.

(2) License Application: Any person needing a livestock dealer license should submit the appropriate fee and an application on a form provided by the Department. If the applicant's facilities and vehicles fail to pass Department inspection or the Department otherwise finds that the applicant is not in compliance with regulations, the Department may deny a license. Applicants may appeal any license denial within seven days.

(3) License Plate: The Department will issue a livestock dealer license plate to each licensee, to be valid for the term of the license. Licenses will expire on November 30 of each year unless renewed. The Department will provide renewal decals with license renewals. If the license is ever revoked, the revokee must promptly return the dealer license plate and decal(s) to the Department.

(4) Duties of Licensees: Licensees must keep all areas and vehicles used for cattle in a clean and sanitary condition. Unless acting pursuant to a written waiver issued by the Director based on satisfactory test results, Licensees must allow on premises only cattle that are moved directly from herds or states that are accredited-free from tuberculosis and certified-free from brucellosis by USDA. Such waivers shall issue solely at the Director's discretion.

(5) Inspection and Testing: Licensees must submit cattle, and areas and vehicles used for cattle, to inspection and testing at any time the Department may deem it necessary.

(6) Recordkeeping: Licensees must maintain, subject to Department inspection, for a minimum of two years, a record book listing every cattle transaction, giving Official ID, date purchased, repossessed, sold, traded or loaned, from whom obtained, and to whom transferred.

(7) Reporting: Licensees with dairy cattle must forward to the Department's Bureau of Animal Health each month, on forms furnished by the Department, a report of each and every dairy cow or bull bought, sold, loaned, traded or repossessed the preceding month, giving the Official ID, breed, date, from whom obtained, and to whom transferred of each animal for each transaction.

(8) Revocations and Suspensions: Appeals: The Department may, after a full and fair hearing, revoke or suspend any license if it finds that applicable Department laws or regulations have been violated. Any person aggrieved by such a decision may, within seven days, appeal to the Commissioner of the Department. The Commissioner or his or her designee may, after a full and fair hearing, order the decision to be affirmed, modified or annulled. No such appeal will stay any decision of the Department. Further appeals may be made pursuant to MGL c. 30A.

4.04 Importation of Cattle into Massachusetts

Except when eligible for an exemption described below, anyone bringing cattle into Massachusetts must meet the following requirements:

(1) Notice: Notify the Department in advance of the approximate number of cattle, each animal's origin, and the date that the cattle will arrive in Massachusetts.

(2) Health Certificate: Ensure that the cattle are accompanied throughout transport by the shipping copy of a Valid Health Certificate, and ensure that an official copy of the Valid Health Certificate is forwarded to the Department promptly following approval by the Chief Livestock Health Official in the state of origin.

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(3) Transport: In order to meet the import requirements of 330 CMR 4.04, cattle may not be transported in any vehicle containing cattle that do not meet these requirements.

(4) Quarantine: All cattle coming into Massachusetts without meeting the above requirements are hereby declared to be quarantined and must be held at the risk and expense of the owner until released in writing by the Department.

(5) Testing of Cattle Imported in Violation of Health Certificate Requirements: Any animal brought into Massachusetts which is neither consigned for immediate slaughter nor accompanied by the shipping copy of a Valid Health Certificate must be held and tested by a federally-accredited veterinarian at the expense of the animal's owner or possessor. The Department shall determine which tests are required.

(6) Retesting: The Department may require any animal to be retested after entry into Massachusetts for tuberculosis, brucellosis, and/or any other contagious disease as deemed necessary by the Department.

(7) Exemptions. Cattle going to immediate slaughter are exempt from the notice, Health Certificate and testing requirements of 330 CMR 4.04 if they are accompanied by a USDA waybill and have Official ID or backtags. Cattle intended for exhibition purposes only are exempt from the notice requirements of 330 CMR 4.04.

4.05: Tuberculin Testing of Cattle by the Department

(1) Any owner or possessor of cattle may ask the Department in writing to have a tuberculin test applied to his or her herd(s) in accordance with MGL c. 129, § 33. The owner/possessor or his or her agent must give complete information to the Department as to:

- (a) all cattle in each herd;
- (b) the location of each herd;
- (c) the source of each herd member and each purchase date and price;
- (d) the name and address of any persons holding claims on any herd or herd members and the amount and nature of the claims; and
- (e) whether he or she has ever owned or had an interest in any cattle tested under State supervision and if so, when and where the cattle were tested.

(2) Inspection and Testing: This owner/possessor or agent must submit the entire herd on any premise to inspection and a tuberculin test at any times and by any methods that the Department deems necessary.

(3) Identification and Recordkeeping: Each animal so tested must be identified by its Official ID or other means deemed practicable by the Director, and the owner must keep accurate records of all cattle in his or her herd(s) that have been so tested.

4.06: Management of Tuberculosis Reactors

(1) Reactor Tags: Whenever an animal reacts to a comparative cervical tuberculin test, the veterinarian who performed the test must attach a metal tag with a serial number and the inscription "Mass. Reactor," or a similar USDA-approved reactor tag, to the animal's external left ear.

(2) Transport and Disposal: The reacting animal must not be disposed of in any way or leave the premises where it was tested except for immediate slaughter, under the direction of state and federal veterinarians. The reacting animal must be appraised at its market value. Cattle which have reacted to a comparative cervical tuberculin test may not be moved in vehicles of any kind containing any other cattle unless all the animals are for immediate slaughter.

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(3) Cleaning, Disinfection and Repair: All vehicles in which comparative cervical reacting cattle have been moved must be thoroughly cleaned and disinfected immediately after use. At a minimum, all bedding and manure must be removed, and the entire vehicle interior must be saturated with an approved disinfectant. Immediately after removal of a comparative cervical reactor from any premises, the owner must thoroughly clean and disinfect the premises and make any needed repairs. The Department may supervise any of these activities at its discretion. The owner must provide and pay for all materials used and the labor employed and ensure that all Department requirements for the cleaning, disinfection and repair of vehicles and premises are met.

(4) Acquisition of New Cattle: An owner who has had a bovine animal tested under 330 CMR 4.00 may only acquire cattle from USDA accredited-free herds or states, and must identify these animals to the Department when they are acquired.

(5) Compensation Claims: If compensation will be claimed under MGL c. 129, § 33, slaughter must occur within 30 days of the date of appraisal. An owner of cattle seeking such compensation must affirm, on forms prescribed by the Department, the amount of money received from the sale or disposal of the reacting cattle, and any other information the Department requires. An owner claiming compensation under MGL c. 129, § 33 is entitled to payment for animals which reacted to a comparative cervical test. Compensation for reactors to any subsequent tests or retests will be denied unless these reactors are identified as having been either in the herd at the time of the previous test, born into the herd since the time of the previous test, or were admitted into the herd pursuant to 330 CMR 4.00.

4.07: Promulgation

The Inspector of Animals in each city and town in Massachusetts must file a copy of 330 CMR 4.00 with the City or Town Clerk, and post a copy in a conspicuous place in the city or town.

REGULATORY AUTHORITY

330 CMR 4.00: M.G.L. c. 129, §§ 2, 33, 33B, 33C, 39 and 40.

(PAGES 21 THROUGH 28 ARE RESERVED FOR FUTURE USE.)